

### REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 3, 9, 15, and 19-24 are pending in the present application. No claims are amended, canceled, or added by the present response.

In the outstanding Office Action, Claims 19-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Masatoshi (Japanese Patent Application JP 2000-11406) in view of Kariya et al. (U.S. Patent Publication Application 2004/0026403, herein "Kariya"); and Claims 3, 9, and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Masatoshi in view of Kariya and Takahashi (Japanese Patent Application JP 59064762).

Applicants respectfully traverse the rejection of Claims 19-24 under 35 U.S.C. § 103(a) as unpatentable over Masatoshi and Kariya for the following reasons.

Briefly recapitulating, independent Claim 19 is directed to an objective lens drive unit that includes, *inter alia*, a lens-supporting member, a fixing member, and a plurality of linear elastic supporting members, each of the elastic supporting member being fixed on the lens-supporting member and the fixing member by bonding means. An uneven face having a surface roughness allowing the bonding means to invade therein and harden is formed on at least a surface of one end side and a surface of another end side of each of the elastic supporting member and the uneven face is composed of a plating layer whose surface is rough. In a non-limiting example, Figure 4 shows the uneven face of the elastic supporting member. Independent Claims 20-24 recite similar features as Claim 19.

The outstanding Office Action relies on Masatoshi for disclosing various features of the claimed objective lens drive unit and refers, for example, to paragraphs [0005] and [0038] of Masatoshi for describing various components shown in Figure 12. However, the outstanding Office Action has not provided an English translation of Masatoshi and therefore,

Applicants are unable to comment on those features. It is noted that, for the clarity of the record, the Office has to provide an English translation of the applied art if the Office relies on a foreign reference, and cannot rely on the capability of the Applicants to read the Japanese reference. (see MPEP § 706.02 II).

In addition, Applicants respectfully submit that Figure 12 of Masatoshi does not teach or suggest that **each** of the elastic supporting members has an **uneven face** having a surface roughness allowing the bonding means to invade therein and harden as required by independent Claims 19-24. On the contrary, Figure 12 of Masatoshi only shows a wire 51a attached to a member 51 but does not show any detail of the wire 51a.

Further, the outstanding Office Action recognizes in the paragraph bridging pages 2 and 3 that “Masatoshi fails to disclose the rough face is composed of plating layer.” In fact, Masatoshi fails to teach or suggest (1) an uneven face, (2) a rough face, and (3) each elastic member having the uneven face and the rough face.

The outstanding Office Action relies on Kariya to teach a rough face composed of a plating layer based on paragraph [0162] of Kariya. However, Applicants respectfully submit that Kariya does not teach or suggest features (1) and (3) discussed above. In addition, Applicants respectfully traverse the reliance of the outstanding Office Action on Kariya because Kariya is not analogous art.

In particular, Applicants respectfully submit that MPEP § 2141.01(a) requires that “[i]n order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” It is noted that Kariya deals with ceramic heaters for semiconductor manufacturing and inspecting devices while Applicants’ invention is directed to an objective lens drive unit, optical pickup unit, and

disk drive unit. Therefore, Applicants respectfully submit that Kariya is not in the field of Applicant's endeavor as required by the first prong of the test noted above.

The second prong of the test stated by MPEP § 2141.01(a) requires that, in the alternative, the applied reference is "reasonably pertinent" to the particular problem with which the inventor was concerned. Further MPEP § 2141.01(a) defines that "[a] reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, **logically** would have commended itself to an inventor's attention in considering his problem." (Emphasis added.)

However, Applicants respectfully submit that an inventor, who is concerned with an objective **lens** drive unit, would not logically consider a reference teaching a ceramic heater for semiconductor manufacturing when confronted with the problem of adhering two members inside the objective lens drive unit. It appears that there is no logical connection between (i) attaching members together and (ii) a ceramic heater.

Therefore, Applicants respectfully submit that Kariya is not analogous art as required by MPEP § 2141.01(a), and therefore, the combination of Masatoshi and Kariya is improper.

Accordingly, it is respectfully submitted that independent Claims 19-24 and each of the claims depending therefrom patentably distinguish over Masatoshi and Kariya, either alone or in combination.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073  
Remus F. Fetea, Ph.D.  
Limited Recognition No. L0034

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

I:\ATTY\RFF\27s\275868\275868US-RESPONSE.DOC